

**REMARKS**

The Office Action mailed on June 28, 2004, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-29 were pending. By this paper, Applicants have cancelled claims 1, 16, 19, and 20 and have not added any new claims. Therefore, claims 2-15, 17-18 and 21-29 are pending.

Applicants respectfully submit that the present application is in condition for allowance for the reasons that follow.

**Indication of Allowable Subject Matter**

Applicants thank Examiner Fuller for allowing claims 4 to 13 and 21.

**Telephone interview of August 26, 2004**

Applicants thank Examiner Fuller for extending the courtesy of a telephone interview to Applicants' representative on August 26, 2004, where it was agreed that if the pending rejected apparatus claims (claims 23-28) were amended to recite a confocal scanning microscope adapted to perform the various methods of the allowed or allowable method claims, such an amendment would be entered and such amended claims would be allowed.

Applicants submit that the above statement provides a complete and proper recordation of the substance of the interview of August 26, 2004, per MPEP §713.04.

**Rejections Under 35 U.S.C. § 102**

Claims 1-3, 14-20 and 22-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Karpol (United States Patent No. 6,369,888). In response, in order to advance prosecution and without prejudice or disclaimer, Applicants have:

- 1) cancelled independent method claims 1, 16, 19 and 20;
- 2) amended claims 2, 14 and 29 to depend from claim 8, an allowed claim;
- 3) amended claims 17 and 18 to depend from claim 29, a claim amended to depend from claim 8; and
- 4) amended apparatus claims 23-28 to variously depend from the allowed or allowable method claims and amended the language of those claims to comport with the new dependencies.

Applicants respectfully submit that the above claim set is allowable for at least the reason that all of the claims now pending ultimately depend from a claim that has been allowed.

#### **Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Fuller is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

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By



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